IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 1080 OF 2004

Shri Jasin Anton Karwalo & Ors. ..Appellants

versus

Smt. Prabhavati P. Barve & Ors. ..Respondents

Mr. P. S. Dani for the Appellants.

Mr. A. G. Damle for the Respondents.

CORAM : D. G. DESHPANDE,J.

DATE : 1ST MARCH,2005

P.C. :

1. Heard counsel for the Appellants and the Respondents.

2. Both the Counsels agree that this Appeal from Order should be transferred to the Court of Additional District Judge, Palghar, for disposal according to law, looking to the nature of valuation of the claim in the suit. Counsel for the appellants also suggests that the Appellants be allowed to withdraw this Appeal from Order with liberty to file a separate Appeal from Order before the Additional District Judge Palghar.

3. Both the counsels agree that the statusquo granted by this court to continue for a period of three weeks from today.

4. In view of the above, Appellants are allowed to withdraw appeal from Order with liberty to the appellants to file Appeal from Order before the Additional District Judge, Palghar, by next Monday i.e. 7.3.2005 positively, with notice to the other side. If that is done then in that event the Additional District Judge, Palghar to decide Appeal from Order within two weeks therefrom. Statusquo granted by this court to continue for a period of three weeks from today. Grant of statusquo will not come in the way of Additional District Judge, Palghar in deciding Appeal from Order on its own merits. Counsel for the respondents will not raise the point of limitation before the Additional District Judge, Palghar, to the Appeal from Order so filed.

5. In view of the above, Civil Application No. 1538 of 2004 does not survive, the same stands disposed of accordingly.

1.03.2005 (D.G. DESHPANDE, J.)